

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Grain Belt Express)
Clean Line LLC for a Certificate of Convenience and)
Necessity Authorizing it to Construct, Own, Operate,)
Control, Manage, and Maintain a High Voltage, Direct) Case No. EA-2014-0207
Current Transmission Line and an Associated Converter)
Station Providing an interconnection on the Maywood-)
Montgomery 345 kV Transmission Line)

**UNITED FOR MISSOURI’S RESPONSE TO
THE REPLY TO STAFF AND OTHER PARTIES’ RESPONSES AND COMMENTS
REGARDING THE ADDITIONAL INFORMATION
SUBMITTED BY GRAIN BELT EXPRESS CLEAN LINE LLC**

COMES NOW United for Missouri, Inc., and, pursuant to 4 CSR 240-2.080(13), for its response to the *Reply To Staff And Other Parties’ Responses And Comments Regarding The Additional Information Submitted By Grain Belt Express Clean Line LLC* (“Reply”) states as follows:

1. This is now the second round of evidence submitted by Grain Belt Express Clean Line, LLC (“Grain Belt Express”). Grain Belt Express failed to carry its burden of proof as indicated in the Missouri Public Service Commission’s (“Commission’s”) *Order Directing Filing of Additional Information* (“February 11 Order”). It is now abundantly clear that Grain Belt Express has failed to carry its burden of proof in this its second bite at the apple. It doesn’t matter what Staff requested in this second round of evidence, what material questions Staff or other parties raised about the validity of the production cost modeling in this second round of evidence, or what evidence other parties have provided. All that matters is whether Grain Belt Express has provided the evidence the Commission has requested and carried its burden of proof in this case. Grain Belt Express has either failed to provide to this Commission or is unable to

provide certain non-existent evidence sought by the Commission. And if facts and evidence do not exist, there is simply no way to fabricate them or make them exist for the purpose of carrying the necessary burden of proof.

2. Grain Belt Express misunderstands the law and evidence in the record in its *Reply*. Simply put, this Commission must decide that the granting of Grain Belt Express' application will serve the public convenience and necessity. There must be a need.¹ This Commission exists to prevent destructive competition and needless duplication of facilities.²

3. The record clearly reflects that there is no need for these facilities. Grain Belt Express readily admits that as to any evidence of need, it simply "does not yet exist."³

4. The reason it does not exist is that Grain Belt Express is working outside of the utility network that the Public Utility Law in Missouri was intended to regulate. The facilities Grain Belt Express proposes are intended to provide services that compete with the transmission grid. While Grain Belt Express claims that the present networked system is inadequate, the record does not support that claim. There is no request for service. Grain Belt Express hopes the line will create the need. "Build it and they will come." But that is a desire beyond this Commission's authority to satisfy. To do so would result in duplicative facilities.

5. There is no legal or regulatory policy mandate that may or must drive the Commission to approve this application. Try as Grain Belt Express might to argue there is some policy, there is no directive from the Missouri Legislature for the Commission to depart from its mandate to base its approval of this application on a finding of need and that the service will not

¹ *In re Tartan Energy Company*, Report and Order, Case No. GA-94-127 (September 16, 1994). *In Re Union Electric Company*, Report and Order, Case No. EA-87-159, EA-88-124, and EA-89-80 (April 27, 1990).

² *Public Water Supply Dist. No. 8*, at p. 154. See also *State ex rel. Union Elec. Co. v. Public Service Comm'n*, 770 S.W.2d 283 (Mo. App. W.D., 1989).

³ *Reply*, p. 8.

duplicate existing services. There is nothing in the Missouri Renewable Energy Standard; and there is nothing in the Missouri Energy Efficiency Investment Act. These two direct and permit, respectively, public utilities in the state to work within the present system to achieve certain goals. They do not provide a regulatory basis for designing a new system of direct current transmission lines in the state.

6. Finally, and of critical importance, the evidence adduced in this case does not justify granting Grain Belt Express the right of eminent domain, the right to condemn private property rights of landowners that have lived on their land for generations, which would be a clear result of the issuance of a certificate of convenience and necessity in this case. If Grain Belt Express desires to build this direct current line in direct competition to the existing utility services in place, let them do it, but let them do it without the power of the state to condemn land.

WHEREFORE, United For Missouri, Inc. respectfully requests that the Commission deny the application of Grain Belt Express, LLC.

Respectfully submitted,

/s/ David C. Linton

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Dated: May 22, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent to all parties of record via electronic transmission this 22nd day of May, 2015.

By: /s/ David C. Linton